



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

November 20, 2000

Mr. Allen Biaggi,  
Administrator  
Nevada Division of Environmental Protection  
333 W. Nye Lane, Room 138  
Carson City, NV 89706-0851

Dear Mr. Biaggi:

We have found adequate for transportation conformity purposes the motor vehicle emission budgets in the Carbon Monoxide Air Quality Implementation Plan for the Clark County Non-attainment Area (August 2000). As a result of our adequacy finding, the Regional Transportation Commission and the Federal Highway Administration can use these budgets in future conformity analyses.

On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued a decision on *Environmental Defense Fund vs. the Environmental Protection Agency*, No. 97-1637, that we must make an affirmative determination that the submitted motor vehicle emission budgets contained in State Implementation Plans are adequate before they are used to determine the conformity of Transportation Improvement Programs or Long Range Transportation Plans. In response to the court decision, we are making any submitted SIP revision containing a control strategy plan available for public comment and responding to these comments before announcing our adequacy determination.

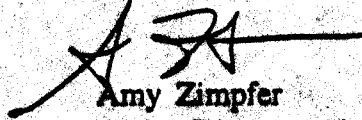
On August 24, 2000, the Nevada Division of Environmental Protection submitted the serious CO attainment plan to EPA. The plan identifies regional motor vehicle emission budgets in tons of CO per day for the years 2000, 2010 and 2020. We announced receipt of the plan on the Internet and requested public comment by September 29, 2000. We received one set of comments on the plan during that comment period.

This letter transmits our decision that the CO Plan is adequate for transportation conformity decisions. After reviewing the plan, we have preliminarily determined that it will result in attainment of the CO standards in the Las Vegas area. We have detailed our adequacy determination in the enclosure and will soon post this information on the Internet at: <http://www.epa.gov/oms/transp/conform/pastsips.htm>. We will also announce this adequacy

determination in the Federal Register. This determination will become effective 15 days after the Federal Register announcement.

If you have any questions regarding this decision, please contact Karina O'Connor at 415-744-1247 or Ken Israels at (415) 744-1194.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy Zimpfer', with a long horizontal stroke extending to the right.

Amy Zimpfer  
Acting Director, Air Division

cc: Bob O'Loughlin, FHWA  
Randy Bellard, FHWA  
Leslie Rogers, FTA  
Tom Fronapfel, NDOT  
John Schlegel, CCDCP  
Christine Robinson, CCHD-APCD

## Enclosures

### Transportation Conformity Adequacy Review

Control Strategy SIP under Review: Clark County Serious Area CO Attainment		Date of SIP Revision Receipt by EPA: 8/24/00	
Reviewers: Karina O'Connor, Ken Israels, Scott Bohning & Roxanne Johnson		Date: 11/13	
Transportation Review Criteria		Is Criterion Satisfied? Y/N	Reference in SIP Document / Comments
Sec. 93.118(e)(4)(i)	The plan was endorsed by the Governor (or designee) and was subject to a public hearing.	Y	The September 24, 2000 transmittal letter from NDEP to Felicia Marcus references NRS § 445B.100 through § 445B-845 which delegates authority to NDEP from the governor to adopt and submit plans. Appendix D, sec. 11 contains documentation of a public hearing on the plan on August 1, 2000.
Sec. 93.118(e)(4)(ii)	The plan was developed through consultation with federal, state and local agencies; full implementation plan documentation was provided and EPA's stated concerns, if any, were addressed.	Y	We understand that consultation with federal, state and local agencies and the public was undertaken, this consultation is described in Appendix D, sec. 11. Also, the plan does contain all of the actual public comments received on the plan and the responses to those comments in Appendix D, sec. 11.

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Transportation Review Criteria		Is Criterion Satisfied? Y/N	Reference in SIP Document / Comments
Sec. 93.118(e)(4)(iii)	The motor vehicle emission budget(s) is clearly identified and precisely quantified.	Y	The motor vehicle budget is clearly identified and precisely quantified in Chapter 8, on page 8-3 - 8-4 of the plan.
Sec. 93.118(e)(4)(iv)	The motor vehicle emissions budget(s), when considered together with all other emission sources, is consistent with applicable requirements for reasonable further progress, attainment, or maintenance (whichever is relevant to the given plan).	Y	The plan adequately provides for all the control measures and emission reductions needed for attainment. With the required mobile source control reductions, the area should be able to reach attainment.
Sec. 93.118(e)(4)(v)	The plan shows a clear relationship between the emissions budget(s), control measures and the total emissions inventory	Y	The emission inventory for all point, area and motor vehicle, and their relation to control measures, is described in Chapter 4, Control Measures and Chapter 8, Implementation and Monitoring.

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Transportation Review Criteria		Is Criterion Satisfied? Y/N	Reference in SIP Document / Comments
Sec. 93.118(e)(4)(vi)	Revisions to previously submitted control strategy or maintenance plans explain and document any changes to any previous submitted budgets and control measures; impacts on point and area source emissions; any changes to established safety margins (see 93.101 for definition), and reasons for the changes (including the basis for any changes to emission factors or estimates of vehicle miles traveled).	N/A	There is no previous adequate CO budget for the Clark County nonattainment area. However, estimates of controlled emissions and attainment modeling in this SIP have been changed from a previously submitted CO plan that was determined to be inadequate. The emission reductions associated with a rideshare TCM are reduced in this plan, additional microscale modeling for future years have been included, and responses to public comments have been included.

**Responses to Comments on the Adequacy of the  
CO Transportation Conformity Budgets  
Contained in Clark County's Carbon Monoxide Attainment Demonstration**

On August 24, 2000, the Nevada Division of Environmental Protection submitted the serious CO attainment plan to EPA. The plan identifies regional motor vehicle emission budgets in tons of CO per day for the years 2000, 2010 and 2020. EPA announced receipt of the plan on the Internet on August 29 and requested public comment by September 29, 2000. We received one set of comments on the plan during that comment period. The comments were included in a letter dated September 28, 2000 from Robert W. Hall of the Nevada Environmental Coalition Inc. Mr. Hall's comments and our responses to those comments are included below.

**Comment #1:** The commentor indicates that EPA has not disclosed information discussed in meetings with Clark County regarding the development of the CO attainment plan.

**Response #1:** As the commentor has indicated, EPA has met with Clark County to explain the Clean Air Act requirements associated with development of an attainment plan, including the budget adequacy requirements. The results of these informal meetings are reflected in the Clark County plan submission and in this adequacy determination.

**Comment #2:** The second point that the commentor raises is that they have not been informed of all State of Nevada Notices of Violation filed by EPA Region 9's Office of Regional Counsel in the last twelve months and in the future.

**Response #2:** While this comment is not directly applicable to our action today, we have addressed this issue in a letter dated September 20, 2000. This September 20 letter was written in response to the commentor when he raised a similar issue via an August 27, 2000 electronic message. That letter listed recent EPA oversight and programmatic activities in Clark County.

**Comment #3:** The commentor questions the locations of monitoring sites in Las Vegas and indicates that the current monitoring network does not address pollutant concentrations in areas of new growth.

**Response #3:** On September 20, 2000, EPA Region 9 provided the commentor with a response regarding monitoring in Las Vegas. In part, we said,

"Based on our oversight of the County, Region IX believes the existing network is adequate overall to meet minimum federal monitoring requirements and that the County has been very responsive to EPA in improving its network over the past few years. The Clark County Network Review (July 2000) indicates that monitoring has been initiated in new high growth areas - e.g., the northern part of the valley - and the current network meets the required number of sites for State and Local Air Monitoring Stations and National Air Monitoring Stations."

**Comment #4:** The fourth point that the commentor raises is that they do not believe that Clark County has adequate resources to implement the plan.

**Response #4:** EPA is aware that the County is presently in the midst of reorganizing its agencies that manage air quality issues. EPA believes that during the transition, Clark County's resources and resource commitments are adequate for implementing the CO plan.

**Comment #5:** The fifth point that the commentor makes is that EPA should review a report on the Clark County agencies that the Nevada Environmental Coalition (NEC) has prepared in addition to a report prepared for the Nevada State Legislature by Environ on air quality issues in Clark County.

**Response #5:** While we do not believe that the NEC report bears on our adequacy determination because it does not specifically address the conformity adequacy issue, EPA has reviewed the reports and believes that the Environ report is supportive of our adequacy finding today.

**Comment #6:** Finally, the commentor requests that the CO attainment demonstration for Clark County not be approved until EPA Region 9 implements a FIP, and until Clark County can demonstrate it has adequate resources to implement the requirements of the Clean Air Act.

**Response #6:** EPA, with our action today, is not making a full approval of the CO plan. All of the components of the CO Plan will be evaluated in a separate action. However, as noted above, we believe that Clark County's resources and resource commitments are adequate for implementing the CO plan (see also our September 12, 2000 completeness determination letter).